

HERMON-TAYLOR et al

Appl. No. 09/646,568

Attny. Ref.: 117-319

Response

September 15, 2010

The claims of the present application refer only to SEQ ID NOS:1-4 and sequences of the Sequence Listing of record in the PTO IFW.

Further clarification is requested regarding the Examiner's reference to SEQ ID NOS: 5-29 in claims filed June 20, 2000 (see Examiner-initiated Interview Summary dated August 19, 2010), in the event the Examiner continues to believe that a further Sequence Listing is required.

Specifically, the present application was filed as a U.S. national phase of International Application No. PCT/GB99/00849 with a Transmittal dated and received in the U.S. Patent Office on September 20, 2000, as evidenced by the following copy of the Transmittal obtained from the PTO PAIR IFW:

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532 Rec'd PCT/RTC 29 SEP 2000

FORM PTO-1560 (REV 1-1996)	U.S. DEPARTMENT OF COMMERCE, PATENT AND TRADEMARK OFFICE	ATTORNEY'S DOCKET NUMBER 117-319
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		U.S. APPLICATION NUMBER 09/646,568 To Be Assigned
INTERNATIONAL APPLICATION NO.	INTERNATIONAL FILING DATE	PRIORITY DATE CLAIMED
PCT/GB99/00849	18 March 1999	20 March 1998
TITLE OF INVENTION DIAGNOSTICS AND VACCINES FOR MYCOBACTERIAL INFECTIONS OF ANIMALS AND HUMANS		
APPLICANT(S) FOR DO/EO/US HERMON-TAYLOR et al		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.		
2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.		
3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).		
4. <input checked="" type="checkbox"/> A proper Demand for International Preliminary Examination was made by the 19 th month from the earliest claimed priority date.		
5. A copy of the International Application as filed (35 U.S.C. 371(c)(2)).		
<input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau).		
<input checked="" type="checkbox"/> has been transmitted by the International Bureau.		
<input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).		
6. <input checked="" type="checkbox"/> A translation of the International Application into English (35 U.S.C. 371(c)(2)).		
7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).		
<input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau).		
<input type="checkbox"/> have been transmitted by the International Bureau.		
<input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.		
<input type="checkbox"/> have not been made and will not be made.		
8. <input type="checkbox"/> A translation of the amendments to the claims under PCT Article 19 (U.S.C. 371(c)(3)).		
9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).		
10. <input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).		
Items 11. To 16. Below concern document(s) or information included:		
11. <input type="checkbox"/> An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.		
12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included.		
13. <input checked="" type="checkbox"/> A FIRST preliminary amendment.		
<input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment.		
14. <input type="checkbox"/> A substitute specification.		
15. <input type="checkbox"/> A change of power of attorney and/or address letter.		
16. <input checked="" type="checkbox"/> Other items or information. PTO 1449 With International Search Report, Sequence Listing		

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The claims of International Application No. PCT/GB96/03221 refer to SEQ ID NOs: 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28 and 29 and it is perhaps the claims of International Application No. PCT/GB96/03221 which the Patent Office has mistaken for claims of the present application.

The Sequence Listing contained in the PTO IFW, with SEQ ID NOs: 1-5, is submitted to be complete and to allow the Examiner to search the claims of the present application. Any "discrepancy" between the claims, CRF and paper copy of the Sequence Listing entered in the PTO IFW is an error or "discrepancy "created and correctable by the Patent Office, and further papers from the applicants should not be required. The Patent Office CRF contains 5 sequences. The PTO IFW contains a copy of the applicants Sequence Listing containing SEQ ID NOs:1-5. The pending claims refer to the sequences of the applicants Sequence Listing.

The specification was amended with the Amendment filed November 6, 2001 to include the Sequence Listing as evidenced by the following reproduction of the first page of the Amendment and the following reproduction of the PTO date stamped copy of the Sequence Listing containing 5 sequences. The Sequence Listing was entered by the Patent Office and entered in the PTO IFW, as confirmed by the following subsequent page from the PTO IFW. Nothing further of the applicants should be required.

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In re Patent Application of

HERMON-TAYLOR et al

Serial No. 09/646,568

Filed: November 9, 2000

For: DIAGNOSTICS AND VACCINES FOR MYCOBACTERIAL
INFECTIONS OF ANIMALS AND HUMANS

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NOV 28 2001

TECH CENTER 1600/2900

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NOV 28 2001

11/6/02
#8 Toray

November 6, 2001

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

AMENDMENT

Responsive to the Notification of Missing Requirements and Notice to Comply
dated September 6, 2001 (copies attached), entry and consideration of the following
amendments and remarks are requested.

IN THE SPECIFICATION

Amend the specification as follows.

Insert the attached Sequence Listing for the copy of the same filed with the
application on November 9, 2000.

REMARKS

Reconsideration is requested.

The Declaration was filed on November 9, 2000, in response to the Notification of
Missing Requirements mailed October 19, 2000. A copy of the Declaration is attached

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

HERMON-TAYLOR et al

Atty. Ref.: 117-319

Serial No. 09/646,568

Group: 1645 NOV 08 2001

Filed: November 9, 2000

Examiner: TECH CENTER 1600/2900

For: DIAGNOSTICS AND VACCINES FOR MYCOBACTERIAL
INFECTIONS OF ANIMALS AND HUMANS

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Assistant Commissioner for Patents
Washington, DC 20231

November 6, 2001

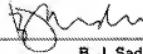
Sir:

STATEMENT

The attached paper and computer-readable copies of the Sequence Listing are
the same. No new matter has been added.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 

B. J. Sadoff

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REF ID: A372061

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Page 1
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RAW SEQUENCE LISTING DATE: 11/15/2001
PATENT APPLICATION: US/09/846,568 TIME: 09:01:02

Input Set: A:\N74368B.US.DMG.EJB.HF.SJB.seq.listing.Sept.01.ttx
Output Set: N:\NCER3\111152001\T666588.seq

ENTERED

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An early and favorable Action on the merits is requested. The Examiner is again requested to contact the undersigned, preferably by telephone, in the event anything further is required.

Respectfully submitted,

NIXON & VANDERHYE P.C.

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